

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34198 of 2016

Arising Out of PS.Case No. -1343 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Praveen Kumar Son of Sri Parmanand Singh resident of Village- Deo Gaon,
P.S. Khanpur, and District- Munger

.... Petitioner/s

Versus

1. The State of Bihar
2. Dipti Wife of Praveen Kumar and daughter of Sri Awadh Narayan Singh resident of Mohalla- New Mubarakpur (Chandmari Road), Ward No. 7 P.O. Danapur Cantt. P.S. Shahpur and District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 06-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the



petitioner that the petitioner admits his marriage with the complainant having no issue. The petitioner has filed Matrimonial Suit No. 168 of 2015 for restitution of conjugal rights and is ready to keep the complainant and thereafter the present complaint has been filed. It is further that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 4 of the supplementary affidavit, which reads as follows:-

“That the petitioner and his parents are ready and willing to keep the opposite party no. 2 with full honour and dignity but the wife of the petitioner does not want to live with him.”

Counsel for the complainant submits that the complainant is ready to resume the conjugal life but she is apprehensive due to the past conduct of the petitioner.

Both sides agree to appear before the learned court below on 17th of October, 2016 when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for four months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand)

with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Danapur in connection with Complaint Case No. 1343(C) of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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